PART II

Report of the Committee for enacting legislation on Records of National Importance

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Composition of the Committee

1. The Government of India constituted on 11 March 1975 the Committee consisting of the following members in pursuance of Resolution V of the 43rd Session of the Indian Historical Records Commission held in January 1975 (vide Department of Culture letter No.F.8-7/75-CAI(2) dated the 11 March 1975), 'to study the implementation of the Antiquities and Art Treasures Act, 1972, and to make recommendations for enacting legislation regarding records of national importance, which may be less than 75 years old':

(i)	Prof. Bisheshwar Prasad, Allahabad ..	.. Chairman
(ii)	Prof. S.Bhattacharya, Jawahar Lal Nehru University	.. Member
(iii)	A representative of the Director General of Archaeological Survey of India ..	.. Member
(iv)	A representative of the Ministry of Law & Justice and Company Affairs ..	.. Member
(v)	Km. D.G.Keswani, Officer on Special Duty, National Archives of India ..	.. Member-Secretary

The Director General of Archaeology and the Ministry of Law & Justice and Company Affairs subsequently nominated the undermentioned Officers as their representatives on the Committee :

Dr. N.R.Banerjee, Director (Antiquities)

Shrimati Rama Devi, Additional Legislative Counsel, Legislative Department.

On 9 April 1975, Shri K.D.Gupta, Archivist, National Archives of India, was co-opted as an additional member.

Terms of reference

2. Under the terms of reference, the Committee is to study the implications of the resolution of the Indian Historical Records Commission and submit its report to the Standing Committee of the Commission at an early date (vide Memorandum No.F.4-5/75-C dated the 20-5-75 from the National Archives of India).

Meetings

3. The Committee held three meetings during its term, viz., on 9 April, 6 May and 26 September 1975. In its first meeting the Committee had general discussion on the resume circulated to the members earlier, giving the background history of the action taken by the National Archives of India previously in enacting legislation on records of national importance, and also to acquaint itself with the difficulties encountered by the Archaeological Survey of India in implementing the Antiquities & Art Treasures Act, 1972. In the Second meeting the Committee engaged itself in preparing a draft Bill, defining the categories of records less than 75 years old, which may be considered to be of historical value and of national importance, and suggesting preventive measures against their illegal export and wilful destruction. While compiling the draft Bill, the Committee kept in view such provisions contained in the Antiquities Act, as were applicable in the case of the proposed legislation, and also examined the draft Bill prepared by the National Archives of India earlier in consultation with the Archaeological Survey of India and the Ministry of Law. The last meeting of the Committee finalised the draft. A copy of the draft Bill is submitted to the Government.

Recommendations

The Committee assumes that before introducing the Bill to the Parliament, the Government of India will seek the opinion of the Ministry of Law, and that the necessary administrative action involved in its introduction will also be taken by the Government. The Committee has not worked out the financial implications for implementation of the proposed Act, but has only suggested the administrative machinery which, it considered, would be necessary for effective working of the Act. Taking all these factors into consideration, the Committee makes the following recommendations :

(1) that the opinion of the Department of Legal Affairs be obtained about the legal competence of enacting of this Bill within the frame work of Entry 67 in List I of the Constitution of India

(2) that before the enactment of the proposed Bill, the Government of India should strictly enforce the existing provisions in the Customs Act of 1962 to prevent illegal export of records and manuscripts of historical importance

(3) that for purposes of notification in the Official Gazette, as required under Section 3(c), the following broad categories of individuals and institutions are envisaged: public leaders, eminent persons in various spheres of activities, retired high officials, important collections and libraries of individuals, personal collections of princely houses, zamindars, taluqdars etc., minority institutions (linguistic, religious, educational etc.), tribal organisations, social, cultural and economic

organisations, other than those owned or controlled by the Government.

(4) that the Draft Bill should be circulated to all the State Governments and Union Territories seeking their opinion on the same

(5) that copies of the same should also be circulated to the Heads of the Archives Offices in the States and Union Territories, wherever such an Archives Organisation is in existence

(6) that the opinion of the Ministry of Law & Justice be ascertained, if necessary, whether the Supreme Court and the High Courts can be brought within the scope of the proposed Act in consultation with those bodies

(7) that the following minimum staff for Registration of institutions/individuals possessing records etc., according to the provisions in the proposed Act, should be provided :

Major States: Each State should have a Registrar, equivalent to that of the rank of an Assistant Director in the National Archives of India, with 2 Archivists, 2 Assistant Archivists (Gr.I), 1 Stenographer, 2 LDCs and 2 Class IV.

Smaller States: Each State to have 1 Assistant Registrar in the grade of the Archivist in the National Archives of India, 1 Lower Division Clerk and 1 Class IV.

Note: For various States in the Eastern Region in Assam, a combined Unit may be set up at the initial stage ;

(8) that the various Registration Units to be set up in the States should work in close collaboration with

similar bodies to be set up by the Archaeological Survey of India for implementation of the Antiquities & Art Treasures Act

(9) that efforts should be made to set up all the State Units simultaneously to enable effecting implementation of the proposed Act

(10) that the recommendations of the Committee, as contained in the Draft Bill, regarding Registration and Licensing, be forwarded to important business houses, banks etc., soliciting their opinions on the same

(11) that the Rules to be framed, as provided in Section 33 of the Draft Bill, should, inter-alia, make specific provision authorising persons to take legal action for violating any provision of the proposed Act

(12) that the Rules should also provide for fixing of the rank (not normally to be below the rank of a Joint Secretary), who may be permitted to carry official papers abroad.

Sd/-(Bisheshwar Prasad)
Chairman

Sd/-(Smt. Rama Devi)
Member

Sd/- (N.R. Banerjee)
Member

Sd/- (S. Bhattacharya)
Member

Sd/- (K.D. Gupta)
Member

Sd/- (Kumari D.G. Keswani)
Member-Secretary